IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

OP.No. 39 of 2002(D)

PETITIONER:

C.R.DAMODARAN NAIR,
RETIRED STORE VERIFICATION OFFICER,
CHERUVATHUR PUTHENPURA, ONAKKUR P.O.,MUVATTUPUZHA.

BY ADV. SRI.C.S.ABDUL SAMMAD
SRI.V.D.BALAKRISHNA KARTHA

RESPONDENTS:
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1. **STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

2. **THE DIRECTOR OF HEALTH SERVICES, TRIVANDRUM.**

3. **SUB TREASURY OFFICER, PIRAVOM.**

BY GOVERNMENT PLEADER SMT.N.SUDHA DEVI

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.39/2002 IN OP. NO.39/2002

DISMISSED

20/06/2007 **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE JUDGMENT DT. 6.11.2000 IN W.A. NO.2488/2000 OF THIS HONOURABLE COURT.

EXT.P2:- COPY OF THE ORDER NO.G.O.(Rt) 180/2001/G&FWD THIRUVANANTHAPURAM DT. 23.1.01.

EXT.P3:- COPY OF THE REPRESENTATION DT. 30.1.01 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE LETTER NO.AE1-6322/98/DHS DT. 15.12.01 FROM THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P5:- COPY OF THE LETTER NO.S2-273/98/DMSK DT. 30.9.2000 FROM THE STORE SUPERINTENDENT, DISTRICT MEDICAL STORE , KOTTAYAM TO THE PETITIONER.

/TRUE COPY/

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T.R. RAMACHANDRAN NAIR, J.

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O.P. No. 39 OF 2002 D
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Dated this the 20th June, 2007

J U D G M E N T

The petitioner retired from service as Store Verification Officer in the Health Services Department on 28-2-1998. He had occasion to approach this Court on an earlier occasion when delay occurred in the disbursement of D.C.R.G. due to him. Ultimately, a Division Bench of this Court in Ext. P1 judgment issued the following direction:

> "We direct that interest at the rate of 12% per annum from 1-6-1998 on the entire amount due to the appellant be paid within a period of two months from the date of receipt of a copy of this judgment."

Ext. P2 shows that he was paid an amount of Rs.13,135/- as interest for the period from 1-6-1998 to 30-9-2000. The petitioner contends that he was not paid the entire amount of interest inspite of the judgment, Ext. P1.

2. The petitioner has got a further complaint that the interest for the enhanced amount of D.C.R.G. was also not admitted by the respondents which is evident from paragraph 3 of Ext. P4.

3. In the counter affidavit the stand taken to

justify the payment of interest only upto to 30-9-2000 is that the said date is the date of issue of liability certificate which is the relevant date. The judgment Ext. P1 will show that even though initial steps were taken ultimately the liability was only to the tune of Rs. 938.47. Their Lordships had observed that it was unfortunate that for fixing the liability of Rs.938.47 the office took two years. Accordingly it was directed to pay interest at the rate of 12% per annum from 1-6-1998 on the entire amount due to the appellant. It is clear that the petitioner is entitled to be paid interest upto the date of payment, ie. 30-1-2001. Therefore, the authorities were not justified in limiting the interest upto 30-9-2000.

4. As regards the claim for interest on the revised D.C.R.G. the learned Govt. Pleader points out, on instruction, that the same was paid to him by payment of Rs.5686/- during the pendency of the writ petition. This is recorded. Therefore, the writ petition is disposed of directing the respondents to disburse the due interest from 30-9-2000 to 30-1-2001 on the D.C.R.G. of Rs.46,912/- at the rate of 12% as

directed in Ext. P1 judgment. Needful will be done within a period of three months from the date of receipt of a copy of this judgment.

T.R. RAMACHANDRAN NAIR
JUDGE

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